

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL CASE NO. 3:19-cv-00709-MR**

**RICHARD BOLEN,**

**Plaintiff,**

**vs.**

**FNU SMITH, et al.,**

**Defendants.**

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**ORDER**

**THIS MATTER** is before the Court on a Notice filed by the North Carolina Department of Public Safety (NCDPS). [Doc. 15].

The *pro se* incarcerated Plaintiff, who is proceeding *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 about an incident that allegedly occurred at the Lanesboro Correctional Institution<sup>1</sup> on February 4, 2017. The Complaint passed initial review on claims that correctional officers FNU Dees, FNU Hildreth, and FNU Smith were deliberately indifferent to Plaintiff's health and safety with regards to a fire in Plaintiff's cell. [Doc. 9]. The Clerk issued a Request for Waiver of Service to NCDPS on September 21, 2020 pursuant to LCvR 4.3. [Doc. 10].

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<sup>1</sup> Now Anson Correctional Institution.

NCDPS's present Notice explains that, after reviewing the available records<sup>2</sup> and scanty information in the Complaint, counsel is unable to identify the individuals whom Plaintiff intends to sue.

**IT IS THEREFORE ORDERED that** Plaintiff shall file a Notice within **thirty (30) days** of this Order providing additional information so that the individuals Plaintiff wishes to sue can be identified and served. Failure to timely comply with this Order will likely lead to the dismissal of this action without prejudice.

**IT IS SO ORDERED.**

Signed: November 23, 2020

  
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Martin Reidinger  
Chief United States District Judge



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<sup>2</sup> NCDPS has attached the Incident Report to the Notice. [Doc. 15-1].